

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DONALD WALTER FOWLER,

Case Nos. 23-CR-1844-KG

Defendant.

ORDER CONTINUING CALL OF THE CALENDAR AND TRIAL SETTING

THIS MATTER is before the Court on Defendant's Unopposed Motion to Continue Call of the Calendar and Trial Scheduled for May 6, 2023 (Doc. 19), filed April 15, 2024.

THE COURT having reviewed said motion, noting that it is unopposed and having been fully and sufficiently advised in the premises, FINDS that the motion is well taken and should be GRANTED. The Court finds that Defendant's Motion was filed in accordance with the provisions of 18 U.S.C. § 3161(h)(7)(A) and that the ends of justice served by allowing the continuance to outweigh the best interest of the public and Defendant in a speedy trial.

The Court having considered the motion, being fully advised in the premises and in light of the holding in *United States v. Toombs*, 574 F.3d 1262 (2009), finds that the defendant has by his motion, created a sufficient record to justify granting the motion to continue. *See id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue "contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time"). This is the Defendant's first motion to continue trial and the parties are actively engaged in plea negotiations which could avoid the necessity of a trial in this case.

IT IS HEREBY ORDERED that Defendant's Unopposed Motion be granted; and that the motions deadline and trial setting is continued for Thirty (30) days.

IT IS FURTHER ORDERED that Defendant's Unopposed Motion to Continue Jury Trial Setting until the **June 3, 2024, trailing docket** be granted; and that pursuant to 18 U.S.C. § 3161(h)(7)(A), the delay resulting from the continuance shall be excluded for purposes of the Speedy Trial Act.

IT IS FURTHER ORDERED that **the Call of the Calendar is set for May 15, 2024.**


UNITED STATES DISTRICT JUDGE

SUBMITTED BY:
Jessica R. Martin
Assistant Federal Public Defender